

REMARKS

Claims 1, 4, 5, and 10-17 are presented for the Examiner's review and consideration. Claims 1 and 10-12 have been amended herein. Claims 2, 3, and 6-9 are canceled. Applicants believe the claim amendments and the accompanying remarks, herein, serve to clarify the present invention and are independent of patentability. No new matter has been added.

35 U.S.C. §112 Rejections

Claim 6 was rejected under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, the Rejection stated that the term "having a reinforcing ability against bending" in claim 6 was not defined by the claim, the specification did not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Initially, as noted above, claim 6 has been canceled rendering, rendering the rejection of this claim moot. Furthermore, the claims that now recite a "reinforcing member" do not include the limitation of "having a reinforcing ability against bending." Accordingly, Applicant respectfully submits that this rejection should be withdrawn.

35 U.S.C. §102 Rejections

Claims 1, 2, and 4 were rejected under 35 U.S.C. §102(b) as being anticipated by McCluer et al. (U.S. Patent 3,622,432). For reasons set forth below, Applicants respectfully submit that these rejections should be withdrawn.

Initially, as noted above, claim 2 has been canceled, rendering the rejection of this claim "moot."

McCluer discloses a radiation shield barrier comprising a *heavily lead-loaded elastomeric layer* adhering to a fabric base. (Abstract). The lead loading comprises at least 55 percent by total weight of the material. (Id). Thus, McCluer does not disclose a radiation shield comprising a flexible element consisting of an organic material and a tungsten powdered dispersed material.

Amended claim 1 recites, *inter alia*, a shield material comprising a flexible element formed of a composite material consisting of an organic material and a dispersed material having a nuclear radiation-shielding ability, wherein ***said dispersed material is a tungsten powder***. As such, Applicant's invention comprises a flexible element having a radiation shielding ability that consists of only a composite material and a tungsten powder. In contrast, McCluer's radiation shield has a heavily lead-loaded elastomeric layer.

Accordingly, Applicant respectfully submits that claim 1 is patentable over McCluer. As claim 4 depends from claim 1, this dependent claim necessarily includes all the elements of its base claim. Accordingly, Applicant respectfully submits that the dependent claim is allowable over McCluer for the same reasons.

In light of the foregoing, Applicant requests reconsideration and withdrawal of the section 102 rejections.

35 U.S.C. §103(a) Rejections

Claims 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over McCluer in view of Sakurai (U.S. Patent App. No. 2002/0,077,439); and Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over McCluer '432 in view of McCluer (U.S. Patent No. 3, 062, 678); and claims 6-9 were rejected over Kosmo et al (U.S. Patent No. 4,923,741). For reasons set forth below, Applicants respectfully submit that these rejections should be withdrawn.

As noted above, claims 3 and 6-9 have been canceled, rendering the rejections of these claims "moot."

Furthermore, as claim 5 depends from claim 1, this dependent claim necessarily includes all the elements of its base claim. Accordingly, Applicant respectfully submits that the dependent claim is allowable over McCluer '432 in view of McCluer '678 for the same reasons described above with respect to claim 1.

In light of the foregoing, Applicant requests reconsideration and withdrawal of the section 103 rejections.

Allowable Subject Matter

Claims 10-12 would have been allowable if rewritten in independent form, but they were objected to as being dependent upon a rejected base claim. Applicants have rewritten the claims as required by the Examiner. Additionally, the dispersed material in claims 10-12 has been limited to a tungsten powder to further define over the prior art. Accordingly, Applicants respectfully submit that independent Claims 10-12 are allowable.

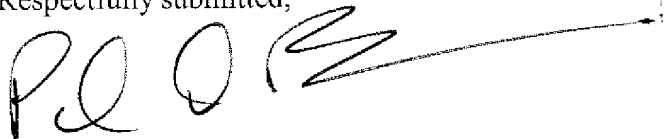
Conclusion

In light of the foregoing remarks, this application is now in condition for an examination on the merits, and early action is respectfully requested.

If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

A fee for one additional independent claim is believed due and is being paid via credit card. However, please charge any required fee (or credit overpayments) to the Deposit Account of the undersigned, Account No. 503410 (Docket No. 7620-X05-004).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P.D. Bianco', with a long horizontal line extending to the right.

Paul D. Bianco, Reg. # 43,500

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